

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

IN RE:)
JAMES LELAND WALTERS JR) CASE NO.23-70093–AKM-13
HEATHER L WALTERS)
DEBTOR(S))

TRUSTEE’S OBJECTION TO COURT CLAIM #019

Comes now Robert P. Musgrave, Trustee, and having reviewed the claim and other relevant pleadings and documents in this cause does now OBJECT pursuant to FRBP 3007 to the claim of Deaconess Hospital (“Creditor”), Trustee Claim #003/Court Claim #019 (“Proof”), for the following reason:

1. Creditor failed to file a proof of claim prior to the claims bar date of April 20, 2023. Debtors filed a proof of claim on behalf of Creditor on May 2, 2023, which was timely under BR 3004.
2. Debtors now seek to amend the Proof.
3. The Proof, though filed by debtors per BR 3004, is the proof of the Creditor. Debtors have no authority to amend a proof of a creditor, and in particular no such power is granted by BR 3004.

WHEREFORE, the Trustee prays the Court disallow the attempted amendment of the Proof, and for all other relief deemed appropriate in the premises.

Notice

You are hereby notified that you have thirty (30) days from the date below to file a response to the Trustee’s Objection to Claim above. In accordance with Local Rule S.D. Ind. B 9013-1, such response should be in writing and filed with the office of the clerk at Winfield K. Denton Federal Building, 101 NW ML King Jr. Blvd, Suite 352, Evansville, IN 47708, with a copy to the Trustee at the address below. If no response is timely filed, then the Court may enter an order sustaining the objection to claim(s) without further notice.

Respectfully Submitted,

May 1, 2024

/s/Robert P. Musgrave_____
Robert P. Musgrave
Chapter 13 Trustee
P.O. Box 972

Evansville, IN 47706-0972
Telephone: (812) 424-3029
Fax: (812) 433-3464
Email address: trustee@chap13evv.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served upon the following parties, either personally, electronically or by first-class mail May 1, 2024:

U.S. Trustee
101 West Ohio Street, Suite 1000
Indianapolis, IN 46204

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DEACONESS HOSPITAL
C/O MED-1 SOLUTIONS LLC
517 US HIGHWAY 31 N
GREENWOOD, IN 46142

STEVEN M. THEISING
REGISTERED AGENT FOR DEACONESS HOSPITAL INC
501 MAIN STREET
SUITE 305
EVANSVILLE, IN 47708

/s/Robert P. Musgrave
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